

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

KENNETH J KLEIN, et al.,

No. C 14-04097 LB

Plaintiffs,

**ORDER CONDITIONALLY  
DISMISSING ACTION**

v.

THE HOME DEPOT, INC., et al.,

[Re: ECF No. 27]

Defendants.

The court having been advised the parties have agreed to a settlement of this action, **IT IS HEREBY ORDERED** that action is dismissed without prejudice; provided, however that if any party hereto shall certify to this court, within ninety (90) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

If no certification is filed, after passage of ninety (90) days, the dismissal shall be with prejudice.

**IT IS SO ORDERED.**

Dated: December 9, 2014



LAUREL BEELER  
United States Magistrate Judge